

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**908 CIVIL APPLICATION NO.1114 OF 2012
IN SA/22/2011**

**SHANKARLAL KANHAYALAL TOTLA L.RS. GEETABAI SHANKARLALTOTAL
AND ORS
VERSUS
ANANT RAMCHANDRA BADVE L.RS. DEEPAK ANANT BADVE AND ORS**

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Advocate for Applicants : Mr. Ruchir Wani h/f Mr. A. S. Bajaj.

Advocate for Respondent No. 3 : Mr. S.V. Mundhe.

Advocate for Respondent Nos. 2A, 2C & 2D : Mr. M.P. Kale h/f Mr. E.P.
Sawant.

CORAM : MANGESH S. PATIL, J.

DATE : 29.03.2022.

PER COURT :

This is an application for restoration of the delay condonation application which was filed in the second appeal. By the order dated 03.05.2010 for want of steps the application for condonation of delay stood dismissed as against the respondent Nos. 1A to 1C and 2A, 2C and 2D. By recording such an observation, by the order dated 07.01.2011 the delay of 16 days was condoned.

2. The learned advocate Mr. Kale who appears for the respondent Nos. 2A, 2C and 2D opposes the application on the ground that no sufficient cause is being shown.

3. The respondent Nos. 1A to 1C have been duly served but have not appeared.

4. Considering the reasons mentioned in the application coupled with the fact that the delay had occasioned in filing the second appeal was merely of 16 days, which was also condoned. The application is allowed. The

application for condonation of delay to the extent of respondent Nos. 1A to 1C and 2A, 2C and 2D is restored.

5. I have heard learned advocates even on the point of delay qua these respondents in filing the second appeal.

6. Considering the nature of the dispute and the meager delay, even the delay to their extent stands condoned.

7. Stand over to 27.04.2022.

(MANGESH S. PATIL, J.)

mkd/-